



# UNITED STATES PATENT AND TRADEMARK OFFICE

h.a

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/764,398      | 01/23/2004  | Atsushi Kakemura     | 087828-0216         | 9505             |

23392 7590 03/21/2007

FOLEY & LARDNER  
2029 CENTURY PARK EAST  
SUITE 3500  
LOS ANGELES, CA 90067

|          |
|----------|
| EXAMINER |
|----------|

BAYOU, YONAS A

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2109

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 03/21/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/764,398

**Applicant(s)**

KAKEMURA, ATSUSHI

**Examiner**

Yonas Bayou

**Art Unit**

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 01/23/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: on page 3, paragraph 0037 "a window 41" should be "a window 401".

Appropriate correction is required.

### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-16 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 3 of copending Application No 10/676,949. Although the conflicting claims are not identical, they are not patentably distinct from each other because all limitations of independent claim 1 and claim 9 of the present application are anticipated by claim 1 and claim 3 of copending Application No. 10/676,949. For example, in claim 1 of the present application and claims 1 and 3 of copending Application No 10/676,949, the applicant claims:

“an information processing apparatus for communicating with an external device, which displays received image data, by the wireless, comprising:  
means for displaying a image data;” whereas claim 1 in Copending Application No. 10/676,949, the applicant claims: “an information processing apparatus for performing communication with an external device which displays received image data,” [see page 5].

“means for determining whether the image data to be displayed on the displaying means is updated; and” whereas claim 3 in Copending Application No. 10/676,949, the applicant claims: “means for determining whether the first screen image data is updated” [see page 5].

“means for transmitting the updated image data to the external device when the determining means determined that the image data is updated” whereas claim 3 in Copending Application No. 10/676,949, the applicant claims: “the transmitting means includes a wireless communication device which transmits the updated first screen image data, when the determining means determines that the first screen image data is

updated" [see page 5].

Copending Application No. 10/676,949 further specifies the complementary operations are performed by displaying an image data, determining that the image data is updated and transmitting the updated image data to the external device. However, such limitation is also claimed in dependent claims of the present application. It would have been obvious to one having ordinary skill in the art to perform the operation for displaying an image data, determining that the image data is updated and transmitting the updated image data to the external device because such operation allow for communicating an apparatus(PDA) with an external device(projector) which displays received image data.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Slobodin et al. Pub. No. US 2002/0196378 A1.

Referring to claims 1-5 and 9-13, Slobodin et al. teaches an information processing apparatus for communicating with an external device (130 in figs. 1-3), which displays received image data, by the wireless, comprising:

means for displaying a image data [**page 2, paragraph 0033 and fig. 1**];

means for determining whether the image data to be displayed on the displaying means is updated [to render a continuously updated image to the external device 130 **page 3, paragraph 0038 and fig. 2**]; and

means for transmitting the updated image data to the external device when the determining means determined that the image data is updated [**page 7, paragraph 0065; figs. 1-4 and fig. 13**].

Referring to claim 4, Slobodin et al. teaches an information processing apparatus, further comprising means for obtaining the image data to be displayed on the displaying means(an external device (130 in figs. 1-3) at regular intervals [wherein displaying a continuously updated image to the external device]; and

means for determining whether the current image data obtained by the obtaining means is different from the previous image data that was transmitted last time ["screen scrape sender logic" (200 in fig. 2) which is a part of image generation device(e.g. a computer monitor or a laptop) compares inherently the first image data from the second image data and if there is changes then displaying image data continues, **page 4**,

**paragraph 0045 and fig. 5].**

Referring to claims 6, 7, 14 and 15, Slobodin et al. teaches an information processing apparatus, further comprising means for coding/encrypting the image data to be transmitted by the transmitting means so that the transmitting means transmits the image data coded/encrypted by the coding/encrypting means to the external device **[page 5, paragraph 0051; figs. 5 and 9 and table 1].**

Referring to claims 8 and 16, Slobodin et al. teaches an information processing apparatus, further comprising

means for detecting one or more external devices (there are more than one 130-projector as shown in fig. 3 existing within the range of the wireless communication by the transmitting means **[page 6, paragraph 0060 and figs. 12-13]; and**

means for selecting at least one of the external devices detected by the detecting means so that the transmitting means transmits the image data to the selected external device **[page 6, paragraph 0060 and fig. 12-13].**

**Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonas Bayou whose telephone number is 571-272-7610. The examiner can normally be reached on m-f, 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Del Sole can be reached on 571-272-1130. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yonas Bayou

YB

  
KIMBERLY D. NGUYEN  
PRIMARY EXAMINER